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Report of the Secretary-General on the United Nations Support Mission in Libya

I. Introduction

1. The present report is submitted pursuant to Security Council resolution 2291 (2016) of 13 June 2016. It covers major political and security developments in Libya, provides an overview of the human rights and humanitarian situation in the country and outlines the activities of the United Nations Support Mission in Libya (UNSMIL) since the issuance of my report of 16 May 2016 (S/2016/452).

II. Political and security-related developments

2. Efforts to implement the Libyan Political Agreement of December 2015 have continued, despite the deeply challenging political and security context. The Presidency Council worked to expand its authority and govern, but continued to face a number of setbacks. The House of Representatives met on 22 August to discuss the proposal for a new Government of National Accord, presented by Prime Minister Faiez Serraj, and a majority of those voting rejected the proposal. Other important elements of the Agreement remain unimplemented, including the interim security arrangements, while the security situation remains very challenging. Limited access to financial resources hampered the ability of the Presidency Council to deliver basic services.

3. After the House of Representatives voted to reject the proposed Government, the Presidency Council initiated consultations on a new proposal. The formation of a new Government is one of a number of contentious issues requiring resolution. There are serious differences between the supporters of the Presidency Council and the leadership of the House of Representatives over the composition and functions of the Presidency Council itself. The structure and command of the Libyan armed forces and appointments to senior military and civilian leadership positions are other key issues.

Implementation of the Libyan Political Agreement

4. The House of Representatives remained unable to meet to amend the Constitutional Amendment in order to constitutionalize the institutions emanating from the Libyan Political Agreement. Furthermore, the absence of approval by the

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House of Representatives for the proposed Government of National Accord led the Presidency Council to instruct designated ministers to continue to perform their functions in a caretaker capacity until a new Government was put in place.

5. Parallel institutions remained in place, attempting to assert authority despite their lack of legal status under the Libyan Political Agreement. The Bayda-based "interim Government" refused to recognize the Presidency Council and continued to exercise authority in the east of the country, encouraging the operation of parallel institutions, including a branch of the Central Bank of Libya based in Benghazi. The former "Government of National Salvation" sought to make a comeback in October 2016 by retaking control of the former General National Congress premises in Tripoli, which had been used by the State Council. The ouster of the State Council led to shows of force and clashes among armed groups in the city.

6. Despite challenges to its legitimacy, the State Council continued to convene sessions in Tripoli. In response to the continued lack of a vote on the Government of National Accord, on 21 September, the State Council announced that it would exercise all its functions, as set out in the Libyan Political Agreement, until the House of Representatives reconvened. The statement was perceived by the general public as an attempt to undermine the authority and legitimacy of the House of Representatives, triggering strong reactions. However, the State Council has taken no steps in that direction since the announcement.

7. UNSMIL continued to engage closely with the leadership and senior members of the House of Representatives, to urge them to convene a legislative session. UNSMIL also convened meetings of the Libyan Political dialogue, from 16 to 18 July and on 5 and 6 September in Tunis, and on 10 and 11 November in Malta, at the request of the Presidency Council, to consult on the formation of a consensual, technically competent and inclusive Government. The members of the Libyan Political dialogue reiterated its support for the Libyan Political Agreement and for the Presidency Council and recommended measures to address ongoing challenges and drive forward implementation of the Libyan Political Agreement, underscoring the importance of accelerating the provision of basic services.

8. During the reporting period, UNSMIL continued efforts to promote unity among and the full participation of all nine members of the Presidency Council. On 8 October, the Presidency Council held its first full session with all nine of its members since February, to discuss the formation of a new Cabinet.

9. The Presidency Council, in its capacity as Supreme Commander of the Libyan armed forces, established regional operations rooms to lead and coordinate operations against the Islamic State in Iraq and the Levant (ISIL). UNSMIL assisted the Presidency Council in convening a high-level meeting on security, held on 17 and 18 July in Tunis, which brought together representatives from the army and police force and other security actors to further the implementation of the security arrangements provided for in the Libyan Political Agreement. The meeting provided guidance to the Presidency Council on establishing interim security structures, engagement with armed groups and the formation of a presidential guard.

Regional and international engagement

10. The Libyan political process continued to receive regional and international support. At a ministerial meeting for Libya held in Vienna on 16 May, participating

Member States and regional organizations expressed their support for the Libyan Political Agreement and for the Government of National Accord as the sole legitimate representative of the Libyan people. This support was reaffirmed at a ministerial meeting on Libya held in the margins of the general debate of the General Assembly, in New York on 22 September, at which participants welcomed the Presidency Council's leadership in the fight against terrorism and recognized the need to ensure an inclusive security dialogue.

11. My Special Representative attended the summit meeting of the League of Arab States, held in Nouakchott on 25 July, and the ninth ministerial meeting of the neighbouring countries of Libya, held in Niamey on 17 October. On 25 October, my Special Representative met with the Secretary-General of the League of Arab States and former President Kikwete, the African Union High Representative for Libya, to announce the formation of a "troika" to consult on the situation in Libya and advance the political process. On 7 November, my Special Representative briefed the African Union High-level Committee on Libya, in Addis Ababa.

Situation in the west

12. The security situation in Tripoli remained fragile. The Presidency Council partially moved from the Abu Sittah naval base to the office of the President of the Council in the city centre and installed itself in a number of ministries and other government buildings. The Council faced serious obstacles in implementing its mandate to govern. With only limited control on the ground and in the absence of security forces at its disposal, the Council was compelled to rely on armed groups committed to the Libyan Political Agreement for its security. Civil servants were divided between the Council and its political opponents, further complicating efforts to improve service delivery. The provision of public services in the capital, including water and electricity, deteriorated, giving rise to public protests.

13. Tripoli remained under the control of a patchwork of armed groups with differing agendas and loyalties, from both Tripoli and the surrounding areas, including Misratah. Rivalries over funding and territorial control between the groups regularly led to clashes. In June and September, elements of the Salah al-Burki brigade and the Abu Salim armed group clashed in central Tripoli, leaving at least 10 people dead. Further clashes in October, close to Tripoli's Mitiga airport, between the Tripoli Revolutionaries Brigade and the Yusuf al-Buni brigade, caused a number of fatalities.

14. In the wider western region, ceasefire agreements concluded between local communities in 2015 remained largely intact. However, clashes in Sabrathah caused at least four further fatalities in June. Between July and late October, clashes and reprisals between rival communities in Zawiyah reportedly resulted in several casualties, before the parties agreed to a ceasefire agreement on 1 November. Parts of the main coastal highway connecting Tripoli to the west of the country and Tunisia remained closed by rival armed groups for most of the reporting period.

Situation in the east

15. Fighting continued in Benghazi between Libyan National Army forces loyal to the House of Representatives and groups including ISIL and the Benghazi Revolutionaries Shura Council — a coalition of Islamist armed groups that includes

Ansar al-Sharia, an entity designated by the Security Council as associated with Al-Qaida in the Islamic Maghreb. Fighting centred on the Suq al-Hut, Qawarshah and Qanfudah districts, and Libyan National Army forces made limited progress owing to strong resistance and an extensive use of land mines and suicide attacks. The situation there was also complicated by the presence of civilians.

16. In June, fighting flared up in Ajdabiya between the Libyan National Army forces and the Benghazi Defence Brigades, which were founded on 1 June by fighters and armed groups who sought to distance themselves from the terrorist entities Ansar al-Sharia and ISIL. On 18 June, the Brigades attacked Libyan National Army forces guarding the Man-Made River Project south of Ajdabiya. On 20 July, it was reported that three French military officers were killed after the Brigades shot down a helicopter south of Benghazi.

17. In Darnah, Libyan National Army forces conducted airstrikes throughout the reporting period against the Darnah Mujahidin Shura Council, a coalition of local Islamist armed groups. Since the expulsion of ISIL from the city by the Shura Council, Libyan National Army forces intensified their siege on Darnah, limiting transport to and from the city, which was reported to suffer from intermittent shortages of food, medicine, gasoline and cash.

18. On 28 July, the Presidency Council and the leadership of the Petroleum Facilities Guard, commanded by Ibrahim Jadran, signed an agreement to reopen the oil load ports under Guard control in Ra's Lanuf and Sidrah. On 11 September, Libyan National Army forces attacked the Guard in the oil crescent area and quickly seized control of oil ports in Sidrah, Ra's Lanuf, Burayqah and Zuwaytinah with the support of tribal leaders. The confrontation reportedly resulted in one member of the Guard being killed and several injured. The Libyan National Army called on the National Oil Corporation to assume the management of the facilities, and on 15 September, National Oil Corporation chairman Mustafa Sanalla visited the oil crescent area. On 18 September, the Guard attacked Libyan National Army forces in Sidrah and Ra's Lanuf in an effort to retake control of the area, but they were repelled with the support of airstrikes. In a separate development, on 19 September, Libyan National Army forces expanded the area under their control through the seizure of the towns of Bin Jawwad and Harawah.

19. During the reporting period, General Abdul Razak al-Naduri, the military governor of the area between Bin Jawwad and Darnah, removed the elected mayors of the municipalities of Abyar, Ajdabiya, Benghazi, Kufrah, Shahhat and Sidrah. The mayors were replaced by military officers in four of the areas.

Situation in the south

20. In Sabha, there were continued instances of kidnapping and killing among tribal communities, causing at least 18 fatalities. The fear of a spillover of the military escalation in the east and of possible confrontation in the south between Libyan National Army forces and the Third Force, predominantly composed of fighters from Misratah, continued to have an impact on the overall security situation.

21. The Libyan National Army attempted to expand its influence in the south, and military elements affiliated with the former regime tried to reorganize. Tensions

increased in Sabha on 9 October, when a force affiliated with the Libyan National Army entered the city. In Kufrah, there were continued tensions between members of the Tebu community and armed elements from Zway.

ISIL presence

22. In Sirte, ISIL suffered a major defeat at the hand of forces loyal to the Presidency Council, losing almost all of the 300 kilometres of territory that it had controlled in the area. The forces participated in Operation Bunyan Marsus (Solid Wall), backed by airstrikes by the United States of America, and successfully rolled back ISIL gains over a period of six months, which resulted in more than 650 fighters being killed and more than 2,000 injured. At the end of the reporting period, the ISIL presence in Sirte was limited to a small pocket in the city centre. The number of ISIL fatalities is unknown.

23. In a first phase that lasted from early May to mid-June, Operation Bunyan Marsus forces pushed ISIL back eastwards to the outskirts of Sirte and took control once more of the areas of Abu Qurayn, Abu Najm and Washkah. The Operation comprised mostly fighters from Misratah and smaller contingents from other cities, including Jufrah, Sabha and Tripoli. Simultaneously, Petroleum Facilities Guard forces and other local units advanced from the east and pushed ISIL out of the towns of Bin Jawwad, Nawfaliyah and Harawah.

24. In a second phase, Operation Bunyan Marsus forces gradually gained control of the main neighbourhoods of Sirte and captured strategic infrastructure from ISIL, including the Qardabiyah airbase, the Ouagadougou conference complex, Sirte University and the port. At the request of the Presidency Council, on 2 August, the United States of America commenced Operation Odyssey Lightning, a series of airstrikes against ISIL targets in Sirte.

25. Sirte was the last significant population centre under ISIL control in Libya, and the ISIL presence is now limited to small pockets in Sirte and Benghazi. Smaller groups and cells remain active throughout the country. UNSMIL is working with Sirte Stabilization Committee, appointed by the Presidency Council, and international partners to coordinate planning for a comprehensive reconstruction plan for the city of Sirte.

Economic situation

26. There was a marked increase in the production of oil following the reopening of oil facilities in the oil crescent. On 15 September, National Oil Corporation Chairman Mustafa Sanalla stated that national exports would increase from 200,000 to 900,000 barrels per day by the end of the year. On 15 September, Chairman Sanalla lifted the *force majeure* clause, which had blocked oil exports from the oil crescent region, and a number of tankers resumed exporting oil. Following discussions with members of the Presidency Council, Chairman Sanalla confirmed that the Corporation had received 300 million dinars and the Presidency Council was committed to providing an additional 300 million dinars to invest in repairs and maintenance for national oil infrastructure. By mid-October, production had increased to 570,000 barrels per day.

27. With low oil revenues, the 2016 fiscal deficit is expected to reach 69 per cent of gross domestic product. With the dinar continuing to lose value, the Central Bank of Libya estimated inflation at 25 per cent in the year ending June 2016. While the increase in oil production provides foreign currency earnings for the Central Bank of Libya and has slowed the depletion of national reserves, the economic situation has not improved. All across the country, banks are running short of cash. The issue of the Bank releasing funds to enable the delivery of basic services was one element of discussion at the meeting in support of Libya's economy held on 31 October and 1 November in London.

28. On 15 August, the Chairman of the Libyan Investment Authority resigned, and the Presidency Council appointed an interim steering committee to manage litigation on behalf of the Authority but not to dispose of or transfer assets. In September, the Authority won two significant cases against foreign investment management firms, which together lead to the recovery of more than $120 million. However, on 14 October, the Authority lost a case against a United States investment bank regarding a failed investment of $1.2 billion.

III. Constitution drafting process

29. There continued to be deep differences in view over the substance of the draft constitution produced by members of the Constitution Drafting Assembly, who met in Salalah, Oman, earlier in the year and voted on the draft in April at a subsequent meeting in Bayda. Members who did not attend the Salalah meeting continued to highlight differences over issues relating to the internal procedures and the substance of the draft constitution, including representation, the rights of minorities, the role and composition of the Senate and the presidency.

30. During the reporting period, members of the Constitution Drafting Assembly who did not attend the Salalah retreat initiated a case challenging the legality of the changes to the by-laws of the Assembly before the administrative court in Bayda'. The case questions the legality of the vote taken by those who signed the draft constitution on 19 April.

IV. Other activities of the United Nations Support Mission in Libya

A. Electoral support

31. During the reporting period, the United Nations electoral support team continued to provide capacity-building and technical assistance to the High National Elections Commission with a view to preparing for future elections. United Nations support included the organization and implementation of a series of workshops, trainings, exchange visits and capacity development programmes for the Commission and relevant stakeholders. The goal of these activities was to address technical topics, build networks and facilitate exchanges with counterparts in Libya and the wider Arab region.

32. The United Nations electoral support team helped the High National Elections Commission to finalize a comprehensive gender-mapping document, entitled "Electoral gender mapping: women's participation in Libya's national elections, 2012-2014" to assist decision-makers in addressing barriers and minimizing factors that discourage women's participation in elections.

B. Human rights, transitional justice and the rule of law

33. During the reporting period, violations of international human rights and humanitarian law continued to be perpetrated by all groups, mostly with impunity. Violations included: abductions, hostage-taking, enforced disappearances, arbitrary detention, torture, unlawful killings and attacks on civilians.

34. Civilians were caught in the crossfire in the course of ongoing conflict across the country. From 17 May to 12 October, UNSMIL documented a total of 246 civilian casualties, including 94 deaths and 132 injuries. Airstrikes caused the most deaths and injuries, with shelling causing the second-highest number of casualties. The highest number of civilian deaths was recorded in Benghazi.

35. UNSMIL documented six attacks on medical facilities, including the shelling of the Benghazi Medical Centre in May and June, and a car bomb attack on the Jala' hospital in Benghazi on 24 June, which killed five people and injured 13, including two children. On 19 September, an unidentified armed group stormed the intensive care unit of the Zawiyah Teaching Hospital.

36. Civilians remain trapped in the Qanfoudha neighbourhood of Benghazi, facing bombings and shortages of food, water and medical care. Those trapped included migrant workers and former prisoners from the Bu Hudaymah military prison in Benghazi. Despite intensive local mediation efforts supported by UNSMIL, the Benghazi Revolutionaries Shura Council and the Libyan National Army did not reach an agreement on the modalities for the evacuation of civilians.

Abductions and killings

37. Armed groups from all sides continued to abduct and kill civilians. Individuals were targeted for their political opinions, affiliations, family or tribal identity. Armed groups also commonly abducted people for ransom or prisoner exchange.

38. On 21 July, the bodies of 14 people were found in a rubbish dump in the Laythi neighbourhood of Benghazi. The military prosecutor in Benghazi reportedly opened an investigation into the killings, but has not made public any findings. There were also attacks against justice sector and other officials. On 22 July, an unidentified armed group abducted Mohammad Faraj Abou-Amid, the chairman of the north Tripoli court. On 25 July, unidentified gunmen abducted two officials from the civil registry office in Muzurq, and their bodies were found shortly afterwards in Sabha. Important religious figures and members of civil society have also been kidnapped for financial or political reasons. On 6 October, Sheikh Nader al-Omrani, a prominent member of Dar al-Ifta', was kidnapped by unknown assailants in Tripoli. On 19 October, the former chairman of Libyan airlines was also kidnapped. A total of 4 people were killed and 18 injured in an explosion in Kish Square in

Benghazi on 29 October. One of the civilians killed was Muhammad Bugaighis, an anti-corruption activist.

Detention, torture and deaths in custody

39. Arbitrary detention continued to be a widespread problem in both official detention centres and detention facilities run by armed groups in all regions of the country. Little progress had been made to review individual cases to ensure that those being held are either prosecuted or released, in accordance with Libyan law.

40. UNSMIL recorded cases of arbitrary detention and torture across the country, including in the Garnadah and Kuwayfiah prisons in Benghazi, the Jawiya and Taminah prisons in Misratah and the Abu Salim, Fursan Janzur, Hadbah and Mitiga prisons in Tripoli. Previous allegations of torture and ill-treatment in the Hadhba prison, including video evidence, which became public in 2015, have not yet resulted in prosecutions. Dire conditions were observed in the Mitiga and Sabha prisons. Allegations described a pattern of severe torture and ill-treatment. The information received indicated that at least three deaths in custody from torture occurred in the Mitiga prison during the reporting period. On 9 June, following the issuing of release orders by the Office of the General Prosecutor for 19 prisoners from the Ruwaymi prison, the bodies of 12 of the prisoners were found in different locations in Tripoli bearing gunshot wounds. All the deceased were former Qadhafi regime members and the circumstances surrounding the killings remained unclear. The Office of the General Prosecutor stated that it had opened an investigation, but it had not announced any findings as at the time of publication of the present report. On 27 October, 10 bodies were found with their hands tied and gunshot wounds in a rubbish dump in the Shabnah neighbourhood of Benghazi, which is under the control of the Libyan National Army forces.

Groups in vulnerable situations

41. Migrants were detained arbitrarily in detention centres run by the Department for Combating Illegal Migration, and in other forms of informal detention under the control of armed groups and criminal smuggling and trafficking networks. Migrants detained in centres operated by the Department did not go through any legal process, and there was no oversight by judicial authorities. Conditions in the centres were inhuman, with people held in warehouses in appalling sanitary conditions, with poor ventilation and extremely limited access to light and water. In some detention centres, migrants suffered from severe malnutrition, and UNSMIL received numerous and consistent reports of torture, including beatings and sexual violence, as well as forced labour by armed groups with access to the centres.

42. Children were victims of abductions and arbitrary detention, often held in facilities without being separated from adults. Civilian casualties included children, with at least 24 killed in hostilities during the reporting period, including in playgrounds and recreational parks. Women were also arbitrarily held in detention, often because of personal affiliations. Journalists, other media professionals and bloggers were also the victims of targeted attacks, facing unlawful killings, abductions and arbitrary detention. Three journalists were reportedly killed by snipers, and other media workers were injured, including in Sirte. One Libyan

journalist was killed by a sniper in Benghazi, while two other journalists, a Libyan and a Dutch national, were killed by ISIL snipers in Sirte.

Transitional justice and reconciliation

43. UNSMIL supported the Misratah/Tawurgha' dialogue committee, which met four times during the reporting period in implementation of the 18 December 2015 road map document. On 31 August, the two sides signed an agreement that included provisions for reparations for the victims of the 2011 conflict and the return of internally displaced persons back to Tawurgha'. The agreement seeks the endorsement of the Misratah Municipal Council and the Tawurgha' local council, as well as the Government of National Accord. UNSMIL has encouraged both parties and the Government to ensure the implementation of both the right to reparations and the right to return without conditions.

44. At the local level, reconciliation efforts progressed in the Nafusah Mountains and between the Tawurgha' and Misratahn communities. UNSMIL organized a national reconciliation workshop from 31 August to 2 September to map and evaluate existing national and local reconciliation initiatives. The workshop brought together 75 Libyan activists, experts, politicians and associations to discuss the challenges and opportunities for national reconciliation in Libya. Consultations between UNSMIL, the United Nations Development Programme (UNDP) and the Peacebuilding Support Office are ongoing to support the development of a national reconciliation strategy by Libyan stakeholders.

Judicial and penal system

45. In an effort to preserve the unity of the judicial bodies from political interference, on 4 September, the President of the Supreme Judicial Council, Judge Muhammd al-Hafi, and the Prosecutor General ad interim, Judge Ibrahim Mas'ud, accompanied by other members of the Council, travelled to Tubruq to meet with members of the judicial bodies in the east. The meeting resulted in the adoption of decisions by the Council related to promotions and transfer of members of the judicial bodies for the judicial year 2016-2017. The delegation also held working meetings with members of the judicial bodies representing Benghazi, Ajdabiya, Darnah, Bayda and Marj. UNSMIL continued to meet with representatives and interlocutors of the judicial and correction system to discuss the situation of detainees, the investigation of human rights violations and plans for technical support to judges and prosecutors.

46. In order to provide support in the transfer of detainees to detention centres under the full control of the judicial police under the Ministry of Justice, as stipulated in the Libyan Political Agreement, UNSMIL conducted visits to five prisons in Tripoli, from 26 to 29 September. Only three detention centres in Tripoli were under the full control of the judicial police, while four others were run and secured by armed groups.

C. Security sector

Support for Libyan planning for interim security arrangements

47. UNSMIL continued to work closely with the Presidency Council and the Ministries of Interior and of Defence on the implementation of the interim security

arrangements outlined in the Libyan Political Agreement. Key areas of support included: assessments and planning for Tripoli security; the formation of a presidential guard and engagement with armed groups; and support to counter improvised explosive devices and clear explosive remnants of war. UNSMIL staff continue to visit Tripoli and other cities regularly to facilitate these and other related activities.

48. As a result of work by UNSMIL with the Temporary Security Committee, the Presidency Council issued decree No. 2 of 9 May 2016, establishing a presidential guard, to be composed of a mix of police and army personnel. However, the breadth and scope of the tasks given to the presidential guard were more ambitious than those originally proposed by the Temporary Security Committee and have caused some concern among a range of security actors. On 31 August, the Presidency Council appointed a presidential guard commander and two deputies. UNSMIL has worked closely with the presidential guard commander, encouraging him to focus on security for Tripoli. UNSMIL has also continued to engage with armed groups to widen the support for the Libyan Political Agreement and enabled closer coordination among security actors in Tripoli.

49. With the assistance of a European Union liaison and planning cell, UNSMIL continues to monitor police and army unit deployments, principally in Tripoli, to assess the security situation and the implementation of the interim security arrangements. UNSMIL also remains engaged on policing reform and security sector development.

Arms and ammunition management

50. There continues to be a significant risk of death and injury from explosive remnants of war and booby traps in Benghazi. To address the issue, the United Nations Mine Action Service arranged for training in Tunis of 30 non-technical survey personnel from the National Safety Authority, forensic police and military engineers, to enable areas of the city to be assessed for contamination with explosive hazards and to determine clearance priorities. Teams undertaking those tasks were also trained in emergency trauma response and provided with medical equipment in order to improve their safety. The teams are currently receiving tasking orders from the Libyan Mine Action Service for survey tasks in Benghazi.

D. Women's empowerment

51. UNSMIL continued to promote the role of women in the political process, in accordance with the implementation of Security Council resolutions 1325 (2000) and 2122 (2013).

52. UNSMIL offered support and technical assistance to the Minister of Social Affairs, State Minister for Women's Affairs and Social Development and State Minister of Institutional Reform in the Government of National Accord. After the Presidency Council established the Women's Support and Empowerment Unit on 8 September, UNSMIL convened three meetings of the Women's Advocacy Group to support the drafting of an advocacy plan targeting the Presidency Council and the House of Representatives. The Unit demanded that 30 per cent of the seats in the newly proposed Government of National Accord be allotted to women.

53. On 4 and 30 October, based on a request for technical support from women members of the House of Representatives, UNSMIL visited the House of Representatives in Tubruq. The Mission subsequently convened a conference for women parliamentarians, including from neighbouring countries, in Tunis from 10 to 12 November.

54. In partnership with the United Nations Entity for Gender Equality and the Empowerment of Women regional office for Arab States and with financial support from the Government of Switzerland, UNSMIL organized three training events in Tunis in May, June and August, on Security Council resolution 1325 (2000) and women's political participation, and on negotiation and conflict resolution. In partnership with UNDP, and with support from the Governments of Germany, the Netherlands and Switzerland, on 1 August UNSMIL launched a two-year project entitled "*Amal*", or "Hope", aimed at providing technical assistance to women in institutions emanating from the Libyan Political Agreement.

E. Youth

55. UNSMIL and the United Nations country team have intensified efforts to reach out to Libyan youth, who remain underrepresented in transitional institutions. The United Nations held two events in August in Tunis that brought together Libyan youth for exchanges on their role in resolving the current political impasse. Marking International Youth Day on 12 August, some 30 civil society organizations conducted activities in 11 municipalities across Libya with support from the United Nations Population Fund. In October, my Special Representative met with youth leaders engaged in training young people in dialogue and reconciliation in Tripoli.

F. Coordination of international assistance

56. The decision by the Presidency Council to delegate ministerial responsibilities to designated ministers and the active participation of the Ministry of Planning in the technical bodies of the joint Technical Coordination Committee, provided renewed impetus for United Nations coordination assistance. On 28 and 29 September, UNSMIL, in partnership with UNDP, the International Monetary Fund and the World Bank, convened the fourth Libyan Experts Development Cooperation Forum in Tunis. Recently registered as a non-governmental organization in Libya and seeking to promote synergy between the Libyan intellectual community and government decision makers, the Forum analysed policy options, actions and priorities to be proposed to the Government of National Accord. The joint Technical Coordination Committee, which met regularly with national representatives during the reporting period, convened on 12 October in Tripoli, in one of the first multilateral meetings with extended international presence to take place in the Libyan capital since mid-2014.

57. The Stabilization Facility for Libya project, launched by UNDP in April 2016 with support from UNSMIL and the international community, received $30 million in pledges from Member States, and the Government of National Accord pledged to match that amount. On the basis of a careful review of selection criteria, the Board of the Stabilization Facility agreed to support Benghazi in eastern Libya, Kiklah in

western Libya and Sabha and Awbari in southern Libya. Assistance packages included the provision of essential equipment for hospitals and clinics, schools, emergency services and waste and wastewater management, and the rehabilitation of small-scale infrastructure damaged during the fighting. The delivery of assistance began in early October.

G. Humanitarian assistance

58. The Humanitarian Response Plan for 2016, launched in November 2015, had received only 30 per cent of the required funding, totalling $51.7 million, as at 31 October. The inadequate funding limited the ability of the United Nations and its partners to provide life-saving assistance to the most vulnerable of the 1.3 million targeted beneficiaries. In preparation for the Humanitarian Response Plan for 2017, the humanitarian country team conducted a humanitarian needs overview and convened a workshop in Tunis on 10 and 11 October for representatives from national and local authorities and the international community, to identify needs, the most vulnerable groups and priority responses for 2017. In September 2016, the humanitarian country team issued a flash appeal requesting $10.7 million for urgent life-saving assistance to 79,400 internally displaced persons expected to return to Sirte. Although over 53,000 internally displaced persons returned since September, the Flash Appeal had received no funding as of the date of drafting of the present report.

59. Figures from the International Organization for Migration (IOM) displacement tracking mechanism indicate that the number of internally displaced persons in Libya was 313,236 in October, a reduction from previous months. In Benghazi in particular, returns brought down the number of internally displaced persons from 115,000 in June to 51,730 in September.

60. Despite the funding shortfalls, United Nations agencies continued to provide urgent humanitarian relief and assistance during the reporting period, largely through national responders and government counterparts. The World Health Organization (WHO) provided life-saving kits, medicines and supplies, including basic and supplementary emergency health kits, emergency trauma kits, medicines for non-communicable disease and other kits to various locations, in sufficient quantities to provide life-saving interventions for a target population of 60,000 for a period of three months. WHO also continued to support capacity-building for national institutions, including by offering trainings on mental health, assessing health needs and providing supplies and services such as activities for immunizations against polio. WHO conducted a national assessment of 98 hospitals between May and October and found that only four hospitals were operating above 75 per cent functionality, while 27 were operating below 25 per cent functionality and 16 were closed due to conflict-related damage. In order to ensure the operation of critical medical installations and equipment amid frequent power cuts, UNDP provided nine hospitals in Tripoli, Benghazi and Sabha with solar panels.

61. The World Food Programme provided food assistance to 113,485 people in need, primarily internally displaced persons and refugees. The challenges of increased fighting, lack of cash liquidity and the depreciation of the dinar against major currencies has severely affected food security in Libya and the population's livelihoods throughout 2016.

62. The United Nations Children's Fund (UNICEF) supported psychosocial assistance programmes for 2,537 children and specialized child protection services for 656 children. UNICEF implementing partners provided hygiene kits to 12,846 internally displaced persons, including 5,138 children, in different parts of the country. In Benghazi and other conflict-affected areas, 8,942 school-aged children benefitted from safe learning spaces. In June, also in Benghazi, UNICEF, in partnership with national non-governmental organizations, offered catch-up classes to 5,201 school-aged children, including 179 from Sirte, to enable them to return to formal education. UNICEF provided 5,641 residents of a camp for internally displaced persons in Tripoli with water tanks and water treatment chemicals, and 1,500 families in Zintan and 1,300 displaced families in Sirte received hygiene kits. The municipal council of Sabrathah committed to supporting the protection of vulnerable children affected by armed conflict, including the reintegration of children formerly associated with armed groups.

63. Between 17 May and 21 October, IOM recorded 114,152 refugees and migrants who had reached Italy by boat from the African shores, mostly from Libya. Over 14,000 migrants were rescued in 2016 by the Libyan Coast Guard, and 3,156 deaths were recorded in the central Mediterranean Sea corridor. Of the 256,690 migrants identified by IOM in Libya, 3,624 were held in detention centres managed by the Department for Combating Illegal Migration. The Office of the United Nations High Commissioner for Refugees (UNHCR) has registered a total number of 37,744 refugees and asylum seekers, most of whom were Syrian.

64. Since May, IOM facilitated the safe return of 2,016 migrants in Libya to nine different countries of origin, and provided reintegration assistance to 162 of the most vulnerable returnees. IOM also distributed non-food items, hygiene kits and basic commodities to 17,782 internally displaced persons and 21,474 migrants, in addition to immediate humanitarian assistance to hundreds of migrants rescued at sea by the Libyan coast guard. In coordination with the coast guard and the Libyan port security, IOM installed three furnished and equipped medical clinics at main disembarkation points in Tripoli, Qasr al-Qarahbulli and Zlitan. UNHCR provided primary health care in three community development centres in Tripoli and Benghazi, in detention centres and in five major disembarkation points.

65. Assistance by the United Nations Educational, Scientific and Cultural Organization to the Libyan Department of Antiquities and cultural institutions in Libya culminated with the approval of a new priority action plan to address emergency and short-term interventions. The plan was aimed at safeguarding the country's cultural heritage and was approved by more than 80 participants from Libya and the international community in a meeting held in Tunis, from 9 to 11 May.

V. Deployment of the United Nations Support Mission in Libya and security arrangements

66. The original total resources approved for UNSMIL for 2016 amounted to $41,181,500, with a staffing table including 195 posts and two United Nations Volunteer positions. In view of the security conditions in Libya, UNSMIL international staff remained deployed in Tunis, where the Mission is temporarily headquartered. As at 30 September, a total of 136 UNSMIL international staff, one

national staff member, four government-provided personnel and two United Nations Volunteers were deployed in Tunis, with an additional 28 national staff in Libya. Furthermore, three international staff members and one General Service staff member were deployed at United Nations headquarters, and three national staff at the Global Service Centre in Brindisi.

67. As set out in resolutions 2238 (2015), 2273 (2016) and 2291 (2016), UNSMIL has worked towards the phased re-establishment of a permanent presence in Libya and, to this end, the establishment of the necessary security arrangements. With the establishment of regular flights from Tunis to Libya on 30 March, UNSMIL staff have been able maintain access to key partners in particular political and security interlocutors, inside the country, bolstering popular support for the Government of National Accord and assisting with the stabilization of security conditions. Regular flights have also facilitated the implementation of other core mandate areas, enabling visits to detention centres, meetings with judicial authorities, engagement in transitional justice activities, discussions with women's groups and advocates and increased access to Libya for the United Nations country team, with a view to enhancing assistance on humanitarian priorities.

68. In line with the findings of the needs assessment mission referred to in my previous report (S/2016/452), UNSMIL has successfully identified a compound in Tripoli to serve as its premises. Likewise, UNSMIL liaised closely with its partners at Headquarters as they identified a troop-contributing country to provide a United Nations Guard Unit in Tripoli. From 25 June to 3 July, the selected troop-contributing country deployed a team to UNSMIL to undertake an initial assessment of security requirements and associated needs, to permit a rapid deployment to Tripoli. Subsequently, an advance team joined the Mission from 30 September to 30 October, working closely with the Office of Mission Support and security staff from UNSMIL and the Department of Safety and Security, to plan for its deployment to the Libyan capital.

69. Additionally, UNSMIL, supported closely by Headquarters, continued to work on the full spectrum of security measures, including the establishment of arrangements for in extremis support in the case of an emergency evacuation of personnel out of Libya. With respect to humanitarian assistance, United Nations humanitarian team partners have reviewed their operational plans, with the aim of increasing programming for target populations.

Security and safety of staff members and operations

70. United Nations personnel in Libya continued to work in a high-risk security environment and implement programmes and activities based on programme criticality. The United Nations vulnerability and risk exposure while implementing its programmes remained high, necessitating continued mainstreaming of additional security resources in its programmes. State institutions have limited capacity to provide security, given the incidence of armed confrontation, terrorism and violent crime throughout the country. Since the arrival of the Presidency Council in Tripoli in March, the Mission has increased operations in Libya and worked to establish a permanent presence of security staff in the capital on a rotational basis. In two incidents in June and September, the Diplomatic Police were hindered by armed groups while escorting UNSMIL convoys in Tripoli. Demonstrations against the

United Nations in the capital and in major eastern cities remained largely peaceful, but the potential for violence remained. Operation Bunyan Marsus disrupted the ISIL presence in Sirte. However, ISIL elements may have dispersed to other parts of the country, posing a risk to operations and the United Nations presence in Tripoli. ISIL claimed responsibility for vehicle-borne improvised explosive device attacks near government offices in Tripoli on 8 September. However, the claims lacked credibility. Three foreign nationals were abducted in Ghat in September and were subsequently released.

VI. Observations and recommendations

71. More than five years since the revolution of 17 February and one year after the signing of the Libyan Political Agreement in Skhirat, the Libyan people continue to strive to move their country forward on the path of a democratic transition. I had the opportunity to visit Libya in 2011 and 2014 and witnessed first-hand the rising aspirations of the youth, women and men of Libya for a stable, democratic, prosperous and peaceful country. I am encouraged to see that their determination and commitment remains strong amidst the many political, security and economic challenges facing the country.

72. The Libyan Political Agreement remains an important milestone in the path to the country's democratic transition. By creating a framework to unify Libyan institutions and form a Government of National Accord, the Agreement represents a unique opportunity for all Libyans to resolve their differences and lay the foundations for inclusive and democratic governance. I wish to commend the many political and civil society actors participating in the Libyan political dialogue for their commitment to support the implementation of the Agreement and its institutions and for their courage in transcending their differences in the interest of peace. That same determination to work for a resumption of the country's democratic transition must continue to drive all Libyans.

73. However, I am deeply concerned at the slow pace of implementation of the Agreement and the serious political polarization leading to a deterioration of the security, economic and humanitarian situation. The Libyan Political Agreement and its institutions will only be successful, as a transitional framework, if they lead, with the support of all Libyans and within a reasonable time frame, to the adoption of a new Constitution and the establishment of democratically elected institutions. Should these efforts fail, it may be necessary to review the international community's approach to the Libyan democratic transition process.

74. The window of opportunity that the Libyan Political Agreement has created is closing rapidly. For the country to forge a path forward, Libyan actors must pursue national reconciliation in earnest. To that end, I encourage the Libyan people to commit to a nation-wide reconciliation process that broadens and reinforces the political settlement that has already been reached. I also encourage the Libyan authorities to complement and strengthen reconciliation efforts undertaken by communities at the local level. I commend the many local reconciliation initiatives that have already been initiated, and I encourage the parties to make full use of the good offices of the United Nations to advance local and national reconciliation agreements in the months ahead.

75. I urge all Libyan stakeholders, especially those who are currently not fully engaged in the process, to work together with the Presidency Council to resolve outstanding issues and focus their efforts on rebuilding the country. Institutions emanating from the Libyan Political Agreement should urgently assume their functions in accordance with the Agreement and commit themselves to cooperating in the management of the remainder of the transitional period. I call in particular on the leaders of opposing constituencies to put the interests of their country first and participate in the country's political transition through dialogue within the framework of the Libyan Political Agreement. I urge the House of Representatives to amend the Constitutional Declaration as a matter of priority, in order to constitutionalize the institutions emanating from the Libyan Political Agreement, and to vote on a Government of National Accord. I also encourage the State Council to exercise its functions as the highest consultative Assembly of the State in an inclusive and responsible manner. Moreover, the Constitution Drafting Assembly must resume its work to finalize the constitutional process that will pave the way for a referendum and eventually new elections, as set out in the Libyan Political Agreement.

76. I further encourage the members of the Presidency Council to overcome their differences and to work as a cohesive and unified body to address the critical needs of the population, supported by effective and transparent financial arrangements. Coordination between the Presidency Council and the Government of National Accord on one hand and the Central Bank of Libya is essential to enable the Government of National Accord to deliver services. In this regard, I urge the parties to engage constructively to address short-term issues related to funding and liquidity and longer-term structural issues.

77. Deepening polarization has also prevented progress on the establishment of security arrangements. As a result, there have been repeated outbreaks of violence among the various factions and a worrying rise in criminality. Libyan citizens are suffering the consequences of increasing lawlessness, kidnappings, theft and the degradation of basic services. I am very concerned about the recent military build-up in the country. I urge security actors to exercise restraint and adhere to international humanitarian law. I remind them that there is no military solution to the Libyan crisis. I also call on them to commit to dialogue and to work constructively in the higher interest of the Libyan people to support the creation of professional, inclusive, effective and accountable Libyan armed and police forces, under full civilian control and oversight. In this regard, I welcome the establishment of the presidential guard by the Presidency Council as a key first step in a longer-term process of creating professional and accountable security institutions.

78. I commend Libyan women for actively engaging in peacebuilding initiatives and the Presidency Council for appointing a chairperson for the Women's Support and Empowerment Unit. I encourage all Libyans to continue to strive for the implementation of resolution 1325 (2000) on women and peace and security, and I call on the Presidency Council to ensure that women are adequately represented in the Government of National Accord.

79. I am encouraged by the progress that has been made in the fight against terrorist and violent extremist groups, in particular ISIL in Sirte and Benghazi. Military successes against ISIL are crucial to eliminating the grave threat that these groups represent. I express my sympathies to the victims of terrorism and for the

loss of so many lives in this fight. The remaining presence of ISIL in Libya should serve as an urgent reminder of the need for heightened vigilance and the swift development of unified security structures across the country. I urge Libyans to unite and join forces across the political and security divide in their fight against ISIL in service to their country and under unified command.

80. I remain deeply alarmed by the human rights situation in the country, especially as it relates to enforced disappearances, arbitrary detention, torture, unlawful killings and attacks on civilians. I condemn the targeting of civilian facilities, in particular hospitals and medical centres. I urge all parties to the conflict and those with influence on the ground to respect international human rights law and international humanitarian law.

81. Hundreds of thousands of innocent migrants and refugees from across the African continent and beyond have left the coast of Libya in search of a better future, escaping conflict, poverty and persecution. Many have lost their lives in this journey of hope, while others have been detained in inhuman conditions and often mistreated or abused. Ongoing efforts to respond to the migration crisis are commendable but not sufficient. I call on all international partners to redouble their humanitarian assistance and to increase the capacity of the Libyan authorities to manage migration flows with full respect for human rights and dignity.

82. I also note with alarm the overall deterioration of the humanitarian situation as a result of continued armed confrontations in various parts of the country. Hundreds of thousands of Libyans, including those who have been repeatedly displaced, continue to suffer from the appalling consequences of the humanitarian crisis. They lack public services and basic amenities, including adequate access to safe drinking water, hygiene and sanitation services. I call on the Libyan authorities to take immediate action and address the worrying issues highlighted in the comprehensive national assessment of hospitals, primary health-care centres and disease-specific programmes.

83. I am particularly concerned by the widespread contamination with explosive hazards, including improvised explosive devices, in the areas of Sirte and Benghazi, where the risk of injury and death to civilians and to humanitarian actors is high. There is limited national capacity to address this threat, and the teams carrying out these tasks do so at significant personal risk. I urge Member States to fund clearance activities in the most severely affected areas and to provide training and equipment to the Libyan actors undertaking survey and clearance tasks. I also call on the Presidency Council and Member States to provide resources on an urgent basis to the Humanitarian Response Plan for 2016, which remains underfunded, so that relief can be brought to those in critical need of protection and humanitarian assistance.

84. As 2017 approaches, the key operational priority of UNSMIL will remain the phased redeployment to Tripoli, including the deployment of a United Nations Guard Unit. To this effect, UNSMIL will continue to assess the political situation and the achievement of security conditions and benchmarks. Re-establishing a United Nations presence in the Libyan capital will enable consistent access to key stakeholders and Libyan institutions. Such a presence will also enhance access to other cities and areas of the country, in both the east and the south. To facilitate this process, the Secretariat will conduct a strategic assessment review in early 2017 to

align the re-establishment of a United Nations presence in Libya with the political, security and operational realities on the ground.

85. To that end, I recommend that the Security Council renew the mandate of UNSMIL for a period of one year as an integrated special political mission in the areas provided by the Council in its resolutions 2238 (2015), 2259 (2015), 2273 (2016) and 2291 (2016). UNSMIL will continue to support the implementation of the Libyan Political Agreement and its institutions. UNSMIL will also continue to provide good offices and support in the implementation of security arrangements and the constitution-drafting process. In this framework, the United Nations system will continue to work with key Libyan institutions and coordinate support with international partners to address the critical capacity and institutional gaps the country faces.

86. I would like to express my appreciation to the African Union, the European Union, the League of Arab States and Member States for their significant support to the United Nations in Libya. I am particularly encouraged by the commitment and support of regional actors and organizations, including the neighbours of Libya, to the Libyan political process. Finally, I wish to express my sincere appreciation for the dedication and hard work of the staff of UNSMIL and the United Nations system in their efforts to support the transition in Libya, and I commend my Special Representative, Martin Kobler, for his leadership and tireless efforts to support the Libyans in driving forward the political process and implementing the Libyan Political Agreement.

87. As I end my tenure at the United Nations, I urge all Libyan stakeholders to transcend their political differences and work together constructively to meet the expectations of the population. I also urge Member States to continue to work on a unified and coordinated approach, in support of the political process and the capacity needs of the country.

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Security Council

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Identical letters dated 1 December 2016 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the Secretary-General and the President of the Security Council

Upon instruction from my Government, I would like to draw your attention to the following information.

On 27 November 2016, the Minister for Foreign Affairs of the Qatari regime, Sheikh Mohammed bin Abdulrahman Al Thani, stated in an interview with Reuters, in his office in Doha, that: "Qatar will continue to arm Syrian rebels even if Donald Trump ends U.S. backing for the multinational effort." He also stated in the same interview that: "This support is going to continue, we are not going to stop it. It doesn't mean that if Aleppo falls we will give up … Even if the regime captures it [Aleppo], I am sure they [the rebels] will have the ability to capture it back from the regime ... We need more military support."

It is well known that the royal family in Qatar is the foremost supporter of the "Nusrah Front" terrorist group in Syria. In this regard, I would like to refer to a statement made on 12 May 2015, by the current Minister of State for Defence of the Qatari regime, Khalid bin Mohammad al-Atiyah, when he was Minister for Foreign Affairs, in an interview with the French newspaper *Le Monde*. In his answer to a question about his Government's position towards "Nusrah front" and whether it considered it a terrorist group, Mr. Al-Atiyah stated: "We are clearly against any kind of extremism. However, with the exception of Da'esh, all of those groups fight to overthrow the regime. Moderates cannot say to Nusrah Front: 'stay home, because we do not want to work with you.' Field conditions must be taken into consideration and we should be realistic."

The official statements made by both the current and former Ministers for Foreign Affairs of the Qatari regime constitute public confessions of the Qatari regime's involvement in supporting terrorists in Syria and providing terrorist groups with weapons and finance, in particular the "Nusrah Front" terrorist organization, in violation of the relevant resolutions of the Security Council, in a challenge to the will of the international community to combat terrorism and in contravention of the Council's unanimous designation of "Nusrah Front" as a terrorist entity.

* Reissued for technical reasons on 12 December 2016.

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According to paragraphs 3 to 8 of Security Council resolution 2253 (2015), adopted pursuant to Chapter VII of the Charter of the United Nations, it befalls on the Security Council and its Committee established pursuant to resolutions 1267 (1999), 1989 (2011) and 2253 (2015) concerning Al-Qaida and associated individuals and entities to immediately act and take the measures appropriate and necessary for holding these individuals and the Government that they represent fully accountable for supporting terrorism, challenging the international community, violating the Council's resolutions and threatening international peace and security.

Resolution 2253 (2015) and other relevant resolutions have been decisive and clear in deciding that sanctions should be imposed on individuals and entities linked to ISIL (Da'esh) and "Nusrah Front". On that basis, I request that you take the measures necessary for applying resolutions 1267 (1999), 1989 (2011) and 2253 (2015) against those who support "Nusrah Front" in Syria, including the Minister for Foreign Affairs of the Qatari regime, Sheikh Mohammed bin Abdulrahman Al Thani, the Minister of State for Defence of the Qatari regime, Khalid bin Mohammad al-Atiyah, and the Qatari regime, as individuals and an entity in association with the "Nusrah Front" terrorist group.

It would be highly appreciated if the present letter were circulated as a document of the Security Council.

(*Signed*) Bashar **Ja'afari**
Ambassador
Permanent Representative